

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	24cv543 (DLC)
KWAME CASH,	:	
	:	<u>ORDER</u>
Plaintiff,	:	
-v-	:	
	:	
DAILY HARVEST, INC, et al.,	:	
	:	
Defendants.	:	
	:	
-----	X	

DENISE COTE, District Judge:

This case is one of several related cases against Daily Harvest, Inc. ("Daily Harvest") and its co-defendants on claims arising out of the consumption of Daily Harvest's prepared food product called "French Lentil + Leek Crumbles." On February 12, 2024, Daily Harvest filed a motion to compel arbitration and stay all proceedings in this case. It is hereby

ORDERED that Daily Harvest's motion to compel arbitration is granted.

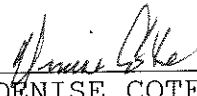
IT IS FURTHER ORDERED that where defendant Daily Harvest has a right to arbitration as described in the Opinion of November 10, 2022 issued in Peni v. Daily Harvest, Inc., 22cv5443 (DLC), 2022 WL 16849451, but where (1) plaintiff has sued co-defendants who do not have a right to arbitration and whose cases will proceed before this Court, and (2) those co-

defendants have impleaded Daily Harvest, the following procedures shall apply:

The plaintiff shall have the right to pursue discovery from Daily Harvest to the extent that plaintiffs have been permitted to take such discovery in related actions where Daily Harvest has no right to enforce arbitration.

Daily Harvest shall have the right to take discovery of the plaintiff to the extent that it has been permitted to take such discovery in related actions where Daily Harvest has no right to enforce arbitration.

Dated: New York, New York  
March 13, 2024

  
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DENISE COTE  
United States District Judge